

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Marc A. Lieberman, Esq. (Bar No. 157318) marc.lieberman@flpllp.com Alan W. Forsley, Esq. (Bar No. 180958) alan.forsley@flpllp.com FLP LAW GROUP LLP 1875 Century Park East, Suite 2230 Los Angeles, California 90067-2523 Telephone: (310) 284-7350 Facsimile: (310) 432-5999</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Defendant JGW Solutions, LLC</p>	<p>FOR COURT USE ONLY</p>
<p><b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>	
<p>In re:</p> <p>THE LITIGATION PRACTICE GROUP P.C.,</p> <p style="text-align: right;">Debtor.</p> <hr style="border: 0.5px solid black;"/> <p>RICHARD A. MARSHACK, Chapter 11 Trustee,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>JGW SOLUTIONS, LLC,</p> <p style="text-align: right;">Defendant.</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:23-bk-10571-SC</p> <p>CHAPTER: 11 <span style="float: right;">Adv. No. 8:23-ap-01148-SC</span></p> <p><b>NOTICE OF MOTION FOR:</b> MOTION OF FLP LAW GROUP LLP FOR AN ORDER AUTHORIZING WITHDRAWAL OF COUNSEL</p> <p><b>(Specify name of Motion)</b></p> <p>DATE: 12/18/2024 TIME: 2:30 pm COURTROOM: 5C (Zoomgov) PLACE: 411 West Fourth Street Santa Ana, CA 92701</p>

1. TO (specify name): All Interested Parties
2. NOTICE IS HEREBY GIVEN that on the following date and time and in the indicated courtroom, Movant in the above-captioned matter will move this court for an Order granting the relief sought as set forth in the Motion and accompanying supporting documents served and filed herewith. Said Motion is based upon the grounds set forth in the attached Motion and accompanying documents.
3. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

4. **Deadline for Opposition Papers:** This Motion is being heard on regular notice pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written response with the court and serve a copy of it upon the Movant or Movant's attorney at the address set forth above no less than fourteen (14) days prior to the above hearing date. If you fail to file a written response to this Motion within such time period, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.
5. **Hearing Date Obtained Pursuant to Judge's Self-Calendaring Procedure:** The undersigned hereby verifies that the above hearing date and time were available for this type of Motion according to the judge's self-calendaring procedures.

Date: 11/25/2024

FLP LAW GROUP LLP

Printed name of law firm

  
Signature

MARC A. LIEBERMAN, ESQ.

Printed name of attorney

1 Marc A. Lieberman, Esq. (Bar No. 157318)

marc.lieberman@flpllp.com

2 Alan W. Forsley, Esq. (Bar No. 180958)

3 alan.forsley@flpllp.com

**FLP LAW GROUP LLP**

4 1875 Century Park East, Suite 2230

Los Angeles, California 90067-2523

5 Telephone: (310) 284-7350

6 Facsimile: (310) 432-5999

7 Attorneys for defendant JGW Solutions, LLC

8  
9 **UNITED STATES BANKRUPTCY COURT**  
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
11 **SANTA ANA DIVISION**

12 In re )Case No. 8:23-bk-10571-SC

13 )  
14 THE LITIGATION PRACTICE GROUP, )Chapter 11

15 P.C., )

16 )Adv. Proc. No. 8:23-ap-01148-SC  
Debtor.)

17 )**MOTION OF FLP LAW GROUP LLP**

18 )**FOR AN ORDER AUTHORIZING**

19 RICHARD A. MARSHACK, Chapter 11 )**WITHDRAWAL OF COUNSEL;**

20 Trustee, )**DECLARATION OF MARC A.**

21 )**LIEBERMAN IN SUPPORT**

22 )  
23 Plaintiff,)

24 vs.

25 JGW SOLUTIONS, LLC,

26 Defendant)

27 )**Hearing:**

28 )Date: December 18, 2024

)Time: 2:30 p.m.

)Place: Courtroom 5C (Zoomgov)

411 West Fourth Street

Santa Ana, CA 92701

1 FLP Law Group LLP (“**FLP**”) for itself hereby moves to withdraw as counsel to  
2 defendant JGW Solutions, LLC (“**Defendant**”) in this adversary matter (the “**Motion**”).

3 **I.**

4 **INTRODUCTION**

5 Defendant’s account with FLP was last current in March of 2024. FLP brings this  
6 Motion because Defendant is in breach of the financial aspects of its retainer agreement with  
7 FLP, rendering it unreasonably difficult for FLP to carry out its employment effectively.  
8

9 **II.**

10 **BACKGROUND**

11 A. On December 18, 2023, plaintiff Richard A. Marshack, Chapter 11 trustee of  
12 the estate of The Litigation Practice Group P.C. (“**Trustee**”) filed this adversary matter  
13 against Defendant (the “**Adversary Matter**”). [Doc 1]

14 B. On January 17, 2024, FLP filed Defendant’s answer to the Complaint. [Doc  
15 7]

16 C. On April 8, 2024, the Court entered its order approving the Trustee’s and  
17 Defendant’s stipulation to allow an amended answer. [Doc 18]

18 D. On April 9, 2024, FLP filed Defendants’ amended answer to the Complaint.  
19 [Doc 19]

20 E. On October 14, 2024, the Trustee filed a motion for summary judgment (“  
21 **MSJ**”). [Doc 28]

22 F. On November 5, 2024, FLP filed Defendant’s opposition (“**Opposition**”) to  
23 the MSJ together with a statement of disputed facts, request for judicial notice and  
24 evidentiary objections. [Doc 42]

25 G. On November 12, 2024, the Trustee filed a reply to the Opposition.

26 H. The hearing on the MSJ is November 26, 2024, which FLP will attend on  
27 behalf of JGW. [Doc 47]  
28

1 I. In addition to the foregoing, Defendant, through FLP, has responded to  
2 discovery and produced documents responsive to Plaintiff's discovery demands.

3  
4 **III.**

5 **FLP GIVES NOTICE TO DEFENDANT OF UN PAID FEES AND POSSIBLE**  
6 **MOTION TO WITHDRAW**

7 Defendant has fallen several months behind on its monetary obligations under its  
8 engagement agreement with FLP. Attached hereto collectively as **Exhibit "1"** are  
9 **redacted** copies of emails dated October 10, October 21, October 30, and November 30,  
10 2024, in which FLP explains that, unless Defendants brings its account current, FLP will  
11 file a motion to withdraw.

12  
13 **IV.**

14 **DISCUSSION.**

15 **A. Cause Exists for Granting FLP Leave to Withdraw Because Debtor Breached**  
16 **the Retainer Agreement.**

17 Local Bankruptcy Rule 2091-1(a) requires this Motion as it provides in pertinent part  
18 that:

19 **Motion for Withdrawal.** Except as otherwise provided in LBR 2091-  
20 1(b) and LBR 3015-1: (1) An attorney who has appeared on behalf of  
21 an entity in any matter concerning the administration of the case, in one  
22 or more proceedings, or both, may not withdraw as counsel except by  
leave of court; and (2) An entity represented by counsel may not appear  
without counsel or by a different attorney except by leave of court.

23 California Rule of Professional Conduct ("**Rule**") 1.16(b)(5) (formerly Rule 3-700)  
24 states an attorney may withdraw as counsel if the client "breaches a material term of an  
25 agreement with, or obligation, to the lawyer relating to the representation, and the lawyer has  
26 given the client a reasonable warning after the breach that the lawyer will withdraw unless  
27 the client fulfills the agreement or performs the obligation." See also **Statue of Liberty-Ellis**  
28 **Island Foundation, Inc. v. International United Industries, Inc.** (SD NY 1986) 110 FRD 395,

1 397 (failure to pay attorneys' fees ground for an attorney to withdraw). As stated above,  
2 Debtor has breached the retainer agreement by failing to pay fees and FLP gave Debtor notice  
3 over a month ago. Thus, cause exists for this Court to enter an order approving FLP's motion  
4 to withdraw as counsel for Debtor.

5  
6 **C. FLP Has Complied with Local Bankruptcy Rule 2091-1(c)(3).**

7 Local Bankruptcy Rule 2091-1(c)(3) requires proper notice of this Motion as it  
8 provides:

9 Cases and Proceedings. An attorney seeking withdrawal or substitution  
10 who has appeared on behalf of an entity both in the case and one or  
11 more proceedings must give notice of the proposed substitution or  
12 motion for leave to withdraw to all entities entitled to notice under  
13 subsections (c)(1) and (2) of this rule.

14 As stated in the attached proof of service, FLP served a copy of this Motion on  
15 Debtor, the Office of the United States Trustee, and all parties requesting special notice.

16 Based upon the foregoing, all the provisions of the Local Bankruptcy Rule 2091-  
17 1(c)(3) have been satisfied.

18 **V.**

19 **CONCLUSION**

20 For the foregoing reasons, FLP respectfully requests that the Court grant this Motion  
21 and permit FLP to withdraw as Defendant's counsel in this matter effective upon entry of  
22 the Court's order.

23 DATED: November 25, 2024

**FLP LAW GROUP LLP**

24  
25 By: 

26 Marc A. Lieberman, Esq.

27 Alan W. Forsley, Esq.

28 Attorneys for Defendant JGW Solutions, LLC

**DECLARATION OF MARC A. LIEBERMAN**

1  
2  
3 1. I, Marc A. Lieberman declare and says as follows:

4 2. I am an attorney duly licensed to practice law before all courts in the State of  
5 California and before this Court. I am a principal in the law firm of FLP Law Group LLP,  
6 counsel for JGW Solutions, LLC ("**Defendant**"). I have personal knowledge of the facts  
7 stated herein, and if called, could and would testify competently thereto.

8 3. On December 18, 2023, plaintiff Richard A. Marshack, Chapter 11 trustee of  
9 the estate of The Litigation Practice Group P.C. ("**Trustee**") filed this adversary matter  
10 against Defendant (the "**Adversary Matter**"). [Doc 1]

11 4. On January 17, 2024, FLP filed Defendant's answer to the Complaint. [Doc  
12 7]

13 5. On April 8, 2024, the Court entered its order approving the Trustee's and  
14 Defendant's stipulation to allow an amended answer. [Doc 18]

15 6. On April 9, 2024, FLP filed Defendants' amended answer to the Complaint.  
16 [Doc 19]

17 7. On October 14, 2024, the Trustee filed a motion for summary judgment  
18 ("**MSJ**"). [Doc 28]

19 8. On November 5, 2024, FLP filed Defendant's opposition  
20 ("**Opposition**") to the MSJ together with a statement of disputed facts, request for judicial  
21 notice and evidentiary objections. [Doc 42]

22 9. On November 12, 2024, the Trustee filed a reply to the Opposition.

23 10. The hearing on the MSJ is November 26, 2024, which FLP will attend on  
24 behalf of JGW. [Doc 47]

25 11. In addition to the foregoing, Defendant, through FLP, has responded to  
26 discovery and produced documents responsive to Plaintiff's discovery demands.

27 12. Defendant's account with FLP was last current in March of 2024, and since  
28 April 2024, Defendant has neither been current nor made any payments on account.

1           13. Despite repeated requests, Defendant has failed to honor its financial  
2 obligations under its engagement agreement with FLP and, despite repeated promises of  
3 payment, has failed bring its account current or provide assurances that it will do so in the  
4 future. Attached hereto collectively as **Exhibit "1"** are redacted copies of emails in which  
5 I explain to Defendant that, unless Defendant brings its account current, FLP will file a  
6 motion to withdraw.

7           I declare under the penalty of perjury under laws of the state of California and the  
8 United States of America that the foregoing is true and correct.

9           Executed on this 25th day of November, 2024 and executed in Los Angeles,  
10 California.

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14 MARC A. LIEBERMAN  
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# **EXHIBIT 1**

**From:** [Marc Lieberman](#)  
**To:** [Jon Jenkins](#)  
**Cc:** [Hayden Gordon, COO](#); [Lawrence Welsh, CFO](#)  
**Subject:** RE: Marshack v JGW (In re Litigation Practice Group)- Our call today  
**Date:** Thursday, October 10, 2024 6:36:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Jon:

I'm following up on our October 2, 2024 conversation and my email below. JGW's September invoice ( [REDACTED] ) will go out tomorrow, bringing the balance on JGW's account to [REDACTED].

[REDACTED]  
Unless JGW can bring its account current and make arrangements to replenish its retainer deposit, we will not be able to continue prosecuting its defense.

Please let us know what to expect.

**MARC A. LIEBERMAN, ESQ.**

**FLP LAW GROUP, LLP**

1875 Century Park East, Suite 2230

Los Angeles, CA 90067

t. 310.284.7350 ext. 2

[marc.lieberman@flpllp.com](mailto:marc.lieberman@flpllp.com)

[www.flpllp.com](http://www.flpllp.com)



From: [Marc Lieberman](#)  
To: [Jon Jenkins](#)  
Cc: [Alan Forsley](#)  
Subject: RE: Marshack v JGW (In re Litigation Practice Group) - TIME SENSITIVE - UPDATED CASE EVALUATION  
Date: Monday, October 21, 2024 11:44:00 AM  
Attachments: [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Jon:

[REDACTED]

[REDACTED]

[REDACTED]

Regardless, I am concerned about the status of JGW's account and that multiple promises of payment remain unfulfilled. If JGW does not bring its account current, and provide adequate assurances that it will meet its obligations under our engagement agreement, we will need to file promptly a motion seeking leave to withdraw. [REDACTED]

Respectfully,

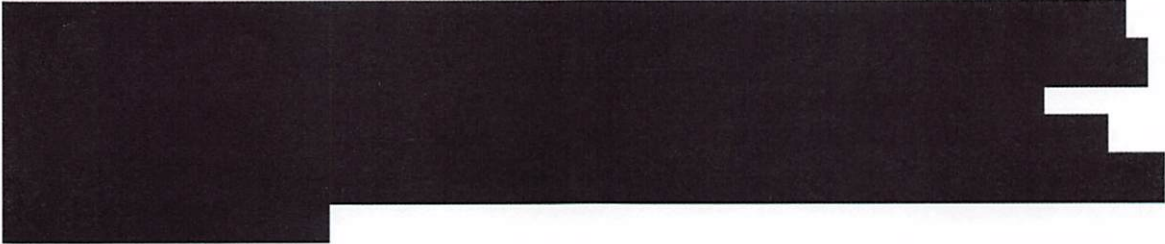
**MARC A. LIEBERMAN, ESQ.**  
**FLP LAW GROUP, LLP**  
1875 Century Park East, Suite 2230  
Los Angeles, CA 90067  
t. 310.284.7350 ext. 2

000009

**From:** [Marc Lieberman](#)  
**To:** [jenkinshqo@gmail.com](mailto:jenkinshqo@gmail.com)  
**Cc:** [Andrea Hansen](#); [Alan Forsley](#)  
**Subject:** RE: Re Trustee v. JGW; Declaration of Jonathan Jenkins-EXTREMELY TIME SENSITIVE  
**Date:** Wednesday, October 30, 2024 5:33:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Jon:



If I do not hear from you or someone else at JGW before the end of the day tomorrow, our firm will need to withdraw from JGW's case next week.

Respectfully,

**MARC A. LIEBERMAN, ESQ.**

**FLP LAW GROUP, LLP**

1875 Century Park East, Suite 2230

Los Angeles, CA 90067

t. 310.284.7350 ext. 2

[marc.lieberman@flpllp.com](mailto:marc.lieberman@flpllp.com)

[www.flpllp.com](http://www.flpllp.com)





From: [Marc Lieberman](#)  
To: [Jon Jenkins](#)  
Subject: RE: Marshack v JGW  
Date: Wednesday, November 20, 2024 11:16:00 AM  
Attachments: [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[2024-10-31 JGW Solutions Invoice Finalized.PDF](#)

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Jon:

[REDACTED]

We cannot unilaterally put the case on "pause," as you suggest below, so the case will go forward one way or another. The question is simply whether our firm continues to represent JGW.

If arrangements to pay JGW's current balance cannot be made now, we must ask the Court this week for permission to withdraw, before summary judgment motion is set for hearing on November 26, 2024. [REDACTED]

[REDACTED] **However, until the court grants our motion to withdraw (or new counsel substitutes into the case), we are obligated by law to keep defending JGW, and JGW (and its principals) will keep incurring attorney fees.**

[REDACTED]

**MARC A. LIEBERMAN, ESQ.**  
**FLP LAW GROUP, LLP**  
1875 Century Park East, Suite 2230  
Los Angeles, CA 90067  
t. 310.284.7350 ext. 2  
[marc.lieberman@flpllp.com](mailto:marc.lieberman@flpllp.com)  
[www.flpllp.com](http://www.flpllp.com)



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

FLP LAW GROUP LLP 1875 Century Park East, Suite 2230, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION FOR: MOTION OF FLP LAW GROUP LLP FOR AN ORDER AUTHORIZING WITHDRAWAL OF COUNSEL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 25, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Alan W Forsley alan.forsley@flpllp.com, awf@fklawfirm.com, awf@fl-lawyers.net, addy@flpllp.com, andrea@flpllp.com
- Marc A Lieberman marc.lieberman@flpllp.com, addy@flpllp.com, andrea@flpllp.com
- Richard A Marshack (TR) pkraus@marshackhays.com, ecf.alert+Marshack@titlexi.com
- Sarah S. Mattingly sarah.mattingly@dinsmore.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

### II. SERVED BY UNITED STATES MAIL:

On (*date*) **November 25, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Chamber of the Honorable Scott C. Clarkson  
United States Bankruptcy Court  
311 West Fourth Street, Suite 5130, Courtroom 5C  
Santa Ana, California 92701-4593

**Defendant:**  
JGW Solutions, LLC  
Jonathan Jenkins  
2600 Michelson Dr., #1600  
Irvine, CA 92612

☐ Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or **email** as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 25, 2024 ADELAIDA HERNANDEZ  
Date Printed Name

Signature